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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,867	07/10/2003	Reimund Rienecker	P23825	8415

7055 7590 03/17/2005

GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/615,867

Applicant(s)

RIENECKER ET AL.

Examiner

Joseph C Rodriguez

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/14/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of claims 18-33 in the reply filed on 12/27/2004 is acknowledged. The traversal is on the grounds that Examiner has not properly fulfilled the "burden" requirement. This is not found persuasive as no "burden" requirement exists for this type of species restriction.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-17 have thus been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21, 24, 27 and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (US 5,096,127).

Young (Fig. 1, 4 wherein fig. 4 embodiment is being applied) teaches a pressurized screen comprising

an intake chamber (70) having an intake (120) structured and arranged to guide the fibrous suspension into said intake chamber (col. 2, ln. 68-col. 3, ln. 13);

at least one wire element (10) with a plurality of wire openings (11, 15), said at least one wire element being structured and arranged to pass at least a portion of the fibrous suspension in said intake chamber and to reject at least a portion of the fibrous suspension in said intake chamber (col. 3, ln. 47-col. 4, ln. 46);

a driven centrifuge rotor positioned in said intake chamber, said centrifugal rotor being structured as a disk oriented at right angles to an axis of rotation and arranged to form a ring-shaped gap through which at least a part of the fibrous suspension in said intake chamber travels radially inwardly and into said at least one wire element and to reject a remainder of said fibrous suspension (Fig. 4, rotor includes base 30 and toothed blades 40 as well as radially extending ribs 36; col. 5, ln. 38-63 showing closed rotor with outside diameter at least same size as diameter of wire element and describing how rotor rejects objects of a certain size);

a reject outlet (90); and

a heavy material outlet (100) arranged to remove at least a part of the fibrous suspension not traveling through said apertures, wherein said portion of the fibrous suspension passing said at least one wire element is based on dimensions of fibrous material particles within the fibrous suspension (inherent in operation of apertures in wire element). Further, Applicant is respectfully reminded that the material or article worked upon by the apparatus (i.e., fibrous material) does not limit apparatus claims. See MPEP 2115.

Claims 18-28 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Rienecker et al. ("Rienecker")(US 2002/0069985).

Regarding claims 18-21, 24-27, 32-33, Rienecker (Fig. 1, 7) teaches a pressurized screen comprising

an intake chamber (10) having an intake (3) structured and arranged to guide the fibrous suspension into said intake chamber (para. 52);

at least one wire element (2) with a plurality of wire openings, said at least one wire element being structured and arranged to pass at least a portion of the fibrous suspension in said intake chamber and to reject at least a portion of the fibrous suspension in said intake chamber (para. 52);

a driven centrifuge rotor positioned in said intake chamber, said centrifugal rotor being structured as a disk (rotor structure 1 when viewed from above) oriented at right angles to an axis of rotation and arranged to form a ring-shaped gap (between bottom of 1 and 2) through which at least a part of the fibrous suspension in said intake chamber travels radially inwardly and into said at least one wire element and to reject a remainder of said fibrous suspension (Fig. 7, rotor includes base 24 and outer surface 1 as well as wire scraper 9; para. 52, 60 showing closed rotor with outside diameter at least same size as diameter of wire element and describing how rotor rejects objects of a certain size);

a reject outlet (5) and

a heavy material outlet (6) arranged to remove at least a part of the fibrous suspension not traveling through said apertures, wherein said portion of the fibrous

Art Unit: 3653

suspension passing said at least one wire element is based on dimensions of fibrous material particles within the fibrous suspension (inherent in operation of apertures in wire element). Further, Applicant is respectfully reminded that the material or article worked upon by the apparatus (i.e., fibrous material) does not limit apparatus claims. See MPEP 2115.

Regarding claims 22-23, Rienecker teaches the use of 4mm perforations (para. 13), thus it is implicit from the figures (see perforations shown in fig. 7) that the ring-shaped gap is at most 100 mm.

Regarding claim 28, Rienecker (Fig. 1) appears to teach an outside diameter of said rotor (bottom of 1 near gap) at least 1.2 times the outside diameter of said wire element.

### ***Conclusion***

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is **703-308-8342**. The examiner can normally be reached on M-F during normal business hours (9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **703-872-9326** (After-Final **703-972-9327**).

The examiner's **UNOFFICIAL Personal fax number** is **703-746-3678**.

Further, the examiner is tentatively scheduled to move in April 2005 and the contact info at the new location will be as follows:

**April 2005, Personal telephone number is 571-272-6942**

**April 2005, UNOFFICIAL Personal fax number is 571-273-6942**

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

**<http://pair-direct.uspto.gov>**

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Signed by Examiner Joseph Rodriguez

jcr

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March 10, 2005

A handwritten signature in black ink, appearing to be 'JR' with a long, sweeping underline.